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§18–207.

(a) (1) In this section the following words have the meanings indicated.

(2) “Designated anonymous HIV test site” means an HIV counseling and testing site approved by the Maryland Department of Health as a site where a patient may have an anonymous HIV test.

(3) “HIV/AIDS case report” means an abstract of the medical record of a patient diagnosed with human immunodeficiency virus or acquired immunodeficiency syndrome which contains:

(i) Reasonably obtained patient demographic information, including name and risk factors;

(ii) Relevant information on the:

1. Initial diagnosis;
2. Treatment and referral; and
3. Clinical condition; and

(iii) Facility and other provider identification information.

(4) “Report” means:

(i) A laboratory examination report for HIV or CD 4+ count as required by § 18–205 of this subtitle;

(ii) A report for HIV or AIDS as required by § 18–201.1, § 18–202, or § 18–202.1 of this subtitle; or

(iii) An HIV/AIDS case report.

(b) (1) Except for a designated anonymous HIV test site, a facility or office that orders a test for HIV and receives a test result that documents the presence of HIV as defined by the CDC laboratory criteria shall, upon the Secretary’s request, make available to the Secretary, or an agent of the Secretary, the information necessary to compile an HIV/AIDS case report.

(2) A report or information assembled or obtained under this section:

(i) Is confidential and subject to Title 4, Subtitle 1 of this article; and

(ii) Is not a medical record under Title 4, Subtitle 3 of this article, but is subject to the confidentiality requirements of Title 4, Subtitle 1 of this article.

(3) This subsection does not apply to a disclosure by the Secretary to another governmental agency performing its lawful duties pursuant to State or federal law where the Secretary determines that the agency to which the information is disclosed will maintain the confidentiality of the disclosure.

(4) The report and any proceedings, records, or files relating to the reports required under this section are not discoverable and are not admissible in evidence in any civil action.

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